

	Effective Date:		09-12-2011
	Policy #:		H-06
	Supersedes:		
Subject: Individual Right to Notice of Privacy Practices		Page:	1 of 3

PURPOSE

To establish criteria for developing, updating, and delivering the department's "Notice of Privacy Practices" to individuals receiving benefits from one or more of the department's health programs.

DEFINITIONS

Refer to HIPAA Policies and Procedures Definitions Glossary.

POLICY

The notice is intended to explain how the Department of Licensing and Regulatory Affairs (LARA) will use and disclose the individual's Protected Health Information (PHI) and to state the individual's rights and the covered entity's legal duties concerning PHI. LARA will provide a "Notice of Privacy Practices" (NPP) to all department individuals. The notice will contain all of the required elements listed in the state, federal and HIPAA privacy rules. A procedure will be established to review, revise, and retain the department's NPP. Revised policy notices will also be distributed to recipients of LARA Health programs and made available to LARA staff. .

When the department is acting as a provider of health care, LARA will make a good faith effort to obtain a written acknowledgment of receipt of the notice, and if not obtained, document the good faith effort and the reason why the acknowledgment was not obtained.

PROCEDURE

<i>Responsibility</i>	<i>Action</i>
Drafting	All required elements listed in the Health Insurance Portability and Accountability Act Privacy Rule will be contained in the department's Notice of Privacy Practices. The NPP must be in plain language and be translated into

	Effective Date:	09-12-2011	
	Policy #:	H-06	
	Supersedes:		
Subject: Individual Right to Notice of Privacy Practices		Page:	2 of 3

	other languages as required by regulation. The Director's Office will review all drafts prior to publishing. LARA personnel may not use or disclose protected health information in a manner inconsistent with the NPP.
Updating	Whenever there is a material change to the: uses or disclosures; the individual's rights; the covered entity's legal duties; or other privacy practices stated in the Notice; the department must promptly revise and make available or distribute a new NPP to all clients within sixty days of the effective date of the revision, or upon next available delivery of service. At least once every three years, the department must notify clients of the availability of the NPP and how to obtain a copy.
Distributing	<p>The initial NPP must be mailed to all LARA program clients receiving benefits. The department must make the NPP available to any member of the public upon request.</p> <p>NPPs are provided to all new clients at the time of completing an application with the Department of Human Services or other program related agency.</p> <p>LARA as a Health Care Provider (state hospitals - centers) Beginning April 14, 2003, facilities will provide the NPP to each client not later than the date of the first service delivery after April 14, 2003, except in emergency situations. In emergency situations, the NPP will be delivered as soon as reasonably practicable.</p> <p>Each client will be asked to sign an acknowledgement of the receipt of the NPP, except in emergency situations. The signed acknowledgement will be retained in the client's medical file. If the client refuses to sign the</p>

	Effective Date:		09-12-2011
	Policy #:		H-06
	Supersedes:		
Subject: Individual Right to Notice of Privacy Practices		Page:	3 of 3

	<p>acknowledgement form, the provider will complete the form documenting that the client refused to sign the form on that date.</p> <p>The NPP will be posted in the facility and copies will be available upon request. Revised NPPs will be posted in the facility and copies will be made available upon request.</p>
Documenting and Retention	<p>The Privacy Office will retain the NPPs for six years.</p> <p>Mail and delivery dates of the NPP to individuals will be documented.</p> <p>LARA as a Health Care Provider: Acknowledgement of receipt of the NPP will be documented and retained in the individual's file.</p>

REFERENCE/FORMS

[45 CFR § 164.520, §164.530](#)